

Notice of Allowability

Application No.

09/775,041

Applicant(s)

FLAMENT, DANIEL

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/04.
2. ☒ The allowed claim(s) is/are 4-6 and 8-21.
3. ☒ The drawings filed on 21 February 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laurence A. Greenberg on 12/22/04.

The application has been amended as follows:

Claims 1-3 were cancelled.

Claim 4:

- line 4, [elements forming a suction zone] was replaced by
--a plurality of elements;
a suction device on a first side of said elements;
slitting devices on a second side of said elements;--
- line 5, before "deflection" --a-- was inserted and after "deflection"
[elements] was replaced by --bracket--;
- line 6, after "elements" --to create a suction zone on said second
side of said elements-- was inserted;
- line 7, after "deflection" [elements] was replaced by --bracket--.

Claim 5, line 2, [forming said suction zone] was deleted.

Claim 6, line 2, [forming said suction zone] was deleted.

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Claim 7 was cancelled.

Claim 11, [7] was replaced by --4--.

Claim 12, [7] was replaced by --4--and line 3, [deflectable] was replaced by --said--.

Claim 13, line 2, [deflectable] was cancelled.

Claim 14, line 2, [elements comprise] was replaced by --bracket comprises--.

Claim 15, line 2, [elements are] was replaced by --bracket is--.

Claim 16:

- line 5, [elements forming a suction zone] was replaced by
--a plurality of elements;
a suction device on a first side of said elements;
slitting devices on a second side of said elements;--
- line 6, before “deflection” --a-- was inserted and after “deflection”
[elements] was replaced by --bracket--;
- line 8, after “elements” --to create a suction zone on said second
side of said elements-- was inserted;
- line 9, after “deflection” [elements] was replaced by --bracket--.

Claim 17:

- line 5, [elements forming a suction zone] was replaced by
--a plurality of elements;

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a suction device on a first side of said elements;

slitting devices on a second side of said elements;--

- line 6, before “deflection” --a-- was insert and after “deflection” [elements] was replaced by --bracket--;
- line 8, after “elements” --to create a suction zone on said second side of said elements-- was inserted;
- line 9, after “deflection” [elements] was replaced by --bracket--.

Claim 18 was cancelled.

2. The following is an examiner’s statement of reasons for allowance: The claim is allowable because the prior art fails to teach a deflection bracket movable parallel to an axis of rotation of slitting devices for deflecting said elements to create a suction zone as set forth in claim 1.

Schmitt (4003276) teaches a slitting device 56, a suction zone 12 (which part of a dust collector 10 and this suction zone is not formed by the interaction of a deflection bracket and brushes), a plurality of elements 62 and a suction device 44 for the purpose of collecting airborne dust. However, Schmitt fails to teach a deflection bracket movable parallel to an axis of rotation of slitting devices for deflecting said elements to create a suction zone as set forth in claim 1.

Myover (1574633) teaches elements/brushes 20, a bearing plate 19 and a drive 18. Myover fails to teach a deflection bracket movable parallel to an axis of rotation of slitting devices for deflecting said elements to create a suction zone as set forth in claim 1.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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December 23, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER